



City Of Albuquerque
APPLICATION FOR SPECIAL EXCEPTION
 Office of the Zoning Hearing Examiner
 505.768.4503

APPLICATION INFORMATION-PLEASE PRINT

GUY JACKSON
 CONTACT DATA: PROFESSIONAL / AGENT NAME (FIRST, LAST)
10522 FLORENCE AVE. NE
 MAILING ADDRESS
ALBUQUERQUE NM 87122
 CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)
 (H) 505-235-1920
 (W) " " "
 (C) " " "

Email: gjackson708@comcast.net
DAN RICH

(H) - - - - -

12231 ACADEMY RD NE #301-189
 MAILING ADDRESS
ALBUQUERQUE NM 87111
 CITY STATE ZIP CODE

(W) - - - - -

(C) - - - - -

Email: emeraldprops@aol.com

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

6971 TAYLOR RANCH DRIVE NW 87120
 STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE
Y-2A-1-A, Y-2A-1-B, Y-2A-1-C & Y-2A-1-D
 LOT(S) TRACT(S) BLOCK(S)
TAYLOR RANCH
 SUBDIVISION / ADDITION / MRGCD MAP NO
101106334513040928
 UNIFORM PROPERTY CODE

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

[Signature]
 SIGNATURE

3/13/12
 DATE

-----ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY-----

Category Code 900

Permit Number: 2012080253

PROJECT #: 1009395

APPLICATION #: 12ZHE80253

APPLICATION FOR: (CHECK AS APPROPRIATE)

- ☐ (ZHE01) Conditional Use
☐ (ZHE02) Expansion of a NonConforming Use
☐ (ZHE03) NonConforming Use / Status Established Building

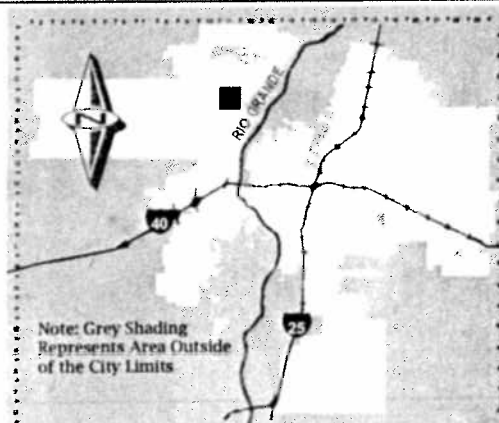
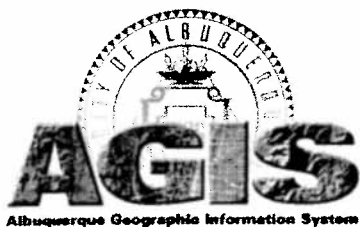
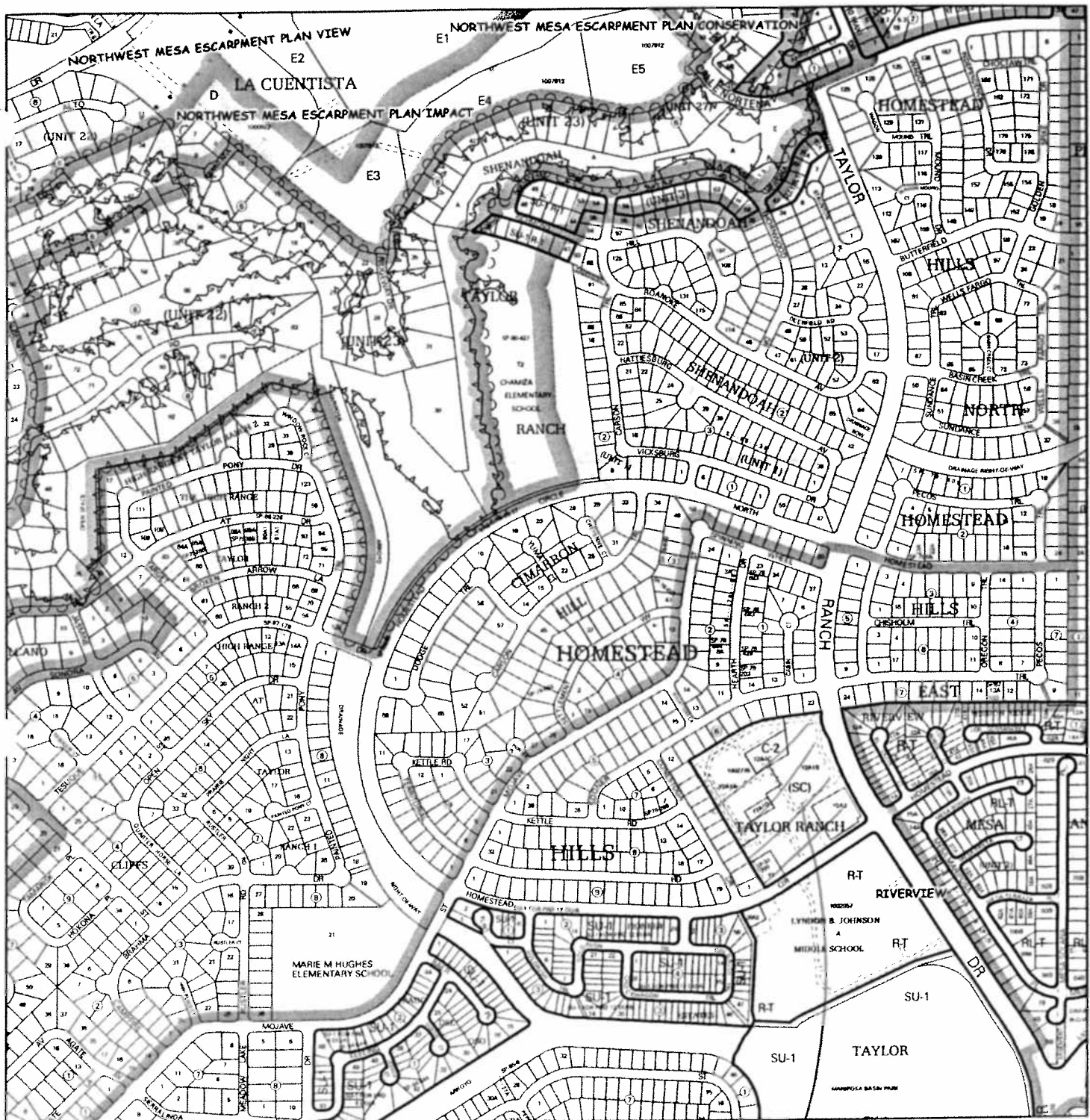
☒ (ZHE04) Variance:

- ☐ Distance ☐ Setback
☐ Height ☐ Parking
☐ Size ☐ Other

SECTION NO. 141632(B)(4) REFERENCE SECTION NO: _____

(LEGAL AD) ACTION DESCRIPTION A VARIANCE ~~REQUEST~~ TO INCREASE THE SQUARE FOOTAGE OF TWO EXISTING FREE STANDING SIGNS BY 24 YARD FEET EACH.










SECTOR DEVELOPMENT AREA: _____

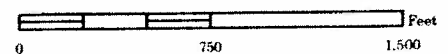


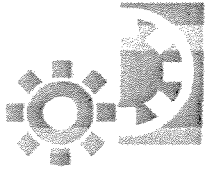
Zone Atlas Page:

D-11-Z

Selected Symbols

-  **SECTOR PLANS**
 Design Overlay Zones
 City Historic Zones
 H-1 Buffer Zone
 Petroglyph Mon.
-  Escarpment
 2 Mile Airport Zone
 Airport Noise Contours
 Wall Overlay Zone





GUY JACKSON
AND ASSOCIATES, LLC
CIVIL ENGINEERING

August 13, 2012

Mr. Stanley D. Harada
Zoning Hearing Examiner
Office of the Zoning Hearing Examiner
PO Box 1293
Albuquerque NM 87102

Re: Variance Request for Y- 2A- 1-A and Y- 2A- 1- B and Located Within the
Homestead Hills Shopping Center, NW, Albuquerque, NM

Dear Mr. Harada:

The intention of this letter is to request a Variance to increase the square footage of two existing free standing signs by 24 square feet each.

Background and Existing Conditions

The subject signage is located within the existing Homestead Hills Shopping Center. This property requires additional signage in order to serve the future retail/office tenants of the proposed two story storage/office (Building H), which was heard by the ZHE on August 7th, 2012 (Case # 1009304).

In 2007 the Zoning Hearing Examiner, pursuant to Notification of Decision for Special Exception case 07ZHE-80021, allowed for two additional free standing signs at this development. The same circumstances currently exist, which support precedence for this current application. It was stated in the Notification of Decision, *"I find that this parcel is exceptional as compared to other parcels in the vicinity, and therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return of the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from the development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of the other land in the vicinity and is*

consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

The variance was approved with the following condition:

No additional signage requests shall be made as to the number or size of signs.

At the August 9, 2012 EPC hearing and conditional approval of the amended Site Development Plan, the Planning Staff revised the condition that stated that "the applicant return to the ZHE to apply for the removal of the condition" and instead was instructed to apply for a variance to the ZHE for the additional signage request.

Justification for Request:

Part A: -The property is exceptional:

The property is exceptional because of the physical characteristics of the shopping center. The proposed office spaces are to be located within the proposed 2 story self storage/office "Building H" which are set back approximately 260' from the Taylor Ranch Drive frontage and 550' from the Homestead Circle frontage within the 10 acre complex and they are obscured by other buildings.

Part B - As a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship that creates an exceptional, substantial and unjustified limitation of the property:

If additional street signage is not allowed, these businesses will not have the benefit of being visible by passing street traffic and thus identification of the actual storefronts. This street recognition is a significant determining factor by future businesses when choosing a location for lease and it is important to attract local businesses to this community shopping center. If the street signage is not provided for the office/retail spaces in the proposed 2 story self storage/office Building H, they will be less inclined to locate their businesses in a neighborhood that greatly desires and needs their presence.

In fact, the Owner has received strong feedback from the Taylor Ranch Neighborhood Association about preserving the presence of future retail at this community based center. Sufficient signage is required in order to make this feasible.

Part C – A particular variance is appropriate to prevent the unnecessary hardship:

A variance allowing for the additional square footage of signage would provide a remedy to this hardship. This request is to increase the area of two free-standing signs, one at the driveway entrance at Taylor Ranch Drive and one at the driveway entrance at Homestead Circle, from 64 SF, each face, to 88 SF, each face.

The sign would not interfere with other land in the vicinity. There would not be any increase in height.

Additional Information Regarding Owner and Neighborhood Meetings & Details of the Resolutions:

The Owner discussed this signage variance application with the Taylor Ranch Neighborhood Association at their board meeting on August 8th and some concerns were raised. Subsequently the Owner met with the three land use members on August 10th and compromises were reached. They include:

- 1) The signs will not increase in height. The added panel will be placed on the bottom portion of the monument sign structure in an aesthetic manner.
- 2) Artwork on the new panel will be limited to just 'directory style' names, just one color and with no logo artwork. This will prevent a cluttered look.

Additional Information regarding total signage area calculations:

Section 14-16-3-2 (B) (4) of the Comprehensive City Zoning Code permits one free-standing sign per 300 feet of street frontage on arterial and collector streets with a maximum signable area of 150 SF per sign face and a maximum height of 26 feet. Both Taylor Ranch Drive and Homestead Circle are collector streets. The street frontage of the property is approximately 1140 feet which would allow for (3) 26 feet high, free-standing signs, with 150 SF of signable area per sign face (**900 SF total allowable signable area**).

One of the two signs referenced in the Notice of Decision above, is an additional free-standing sign at the Homestead Hills driveway entrance.

There are presently five free-standing signs at the property. One at the corner of Taylor Ranch Drive and Homestead Circle NW (150 SF, each face, 17.5 FT. high), One at the driveway entrance at Taylor Ranch Drive (64 SF, each face, 13 FT. high), one at the driveway entrance at Homestead Circle (64 SF, each face, 13 FT. high), a 7/11 sign at Taylor Ranch drive (70 SF, each face, 17 FT. high) and one sign at the gate to the self-storage facility, located at the interior of the site, approximately 430 feet from Taylor Ranch Drive and 550 feet from Homestead Circle (47.5 SF, 10 FT. high). **The total existing free-standing**

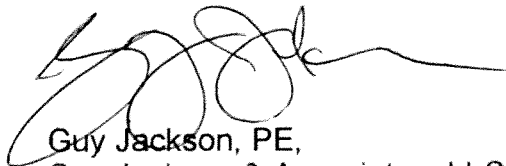
signable area is 743.5 SF, which is $900 \text{ SF} - 743.5 \text{ SF} = 156.5 \text{ SF}$ under the allowable square footage of signage area.

This variance request is to increase the two signs at the driveway entrances from 64 SF, each face, to 88 SF, each face.

It is appropriate to mention that the wall mounted sign (located at the interior of the site) on tract Y- 2A- 1-A (one of the two signs referenced in the Notice of Decision above) is considered a free standing sign (section 14-15-1-5 (4)). This sign is 47.5 SF and will be removed for a **net increase in signable area per this request of 48.5 SF**. This will reduce the number of free standing signs to four and the total square footage of sign area will be **$743.5 \text{ SF} - 47.5 \text{ SF} = 696 \text{ SF}$, which is $900 \text{ SF} - 696 \text{ SF} = 204 \text{ SF}$ under the allowable amount for this site development.**

Conclusion:

We respectfully request a variance allowing for modification of signage in order to provide the necessary identification and visibility of the proposed retail businesses. For all the reasons listed above I believe this is a most reasonable request. Your consideration is sincerely appreciated.

A handwritten signature in black ink, appearing to read 'Guy Jackson', with a long horizontal flourish extending to the right.

Guy Jackson, PE,
Guy Jackson & Associates, LLC
Agent for Dan Rich, Owner
Homestead Hills Shopping Center

ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
1	101106334513040928	BAF HOLDINGS LLC	12231 ACADEMY RD NE 301	ALBUQUERQUE	NM	87

ZONING

Rec	ZONING	DESCRIPTION
1	C-2	(SC)

ZONE GRID

Rec	ZONE ATLAS GRID
1	D11

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	6971	TAYLOR RANCH	DR	NW	Y2A1A	0000	TAYLOR RANCH	ABQ212989

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOOD
1	TAYLOR RANCH	R

ZONE GRID

No Features found.

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	Dan Lewis	5

ZIPCODES

Rec	ZIPCODE
1	87120

MORATORIUM

Rec	AREA	EXPIRATION DATE
1	DOWNTOWN NEIGHBORHOOD AREA	Wed, 20 Jun 2012 00:00:00
2	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
3	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
4	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
5	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
6	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
7	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
8	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
9	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
10	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
11	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00

§ 14-16-3-2 SHOPPING CENTER REGULATIONS.

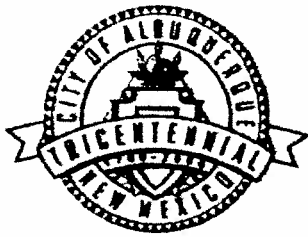
This section controls the development of shopping center sites.

(A) *General.*

- (1) No structure shall be erected on a shopping center site except in conformance with a duly approved site development plan. Once approved, such a plan or subsequent amended plan is binding on the entire area of the original site development plan. Sales of all or part of the premises do not alter the effect of the plan. Platting of lots or creation of smaller premises do not alter the effect of the plan. Subsequent to execution of the site development plan, use of the site entirely for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing for a period of over one year does change the status of the site as a shopping center and suspends the legal effect of the site development plan for so long as the uses remain.
- (2) The rights and duties of the city and of the applicant which result from the approval of an application under this section run with the land and are binding upon successors in interest of the applicant. When an application is approved, a copy of the approved Site Development Plan and Landscaping Plan or record of exemption shall be kept in the office of the Planning Director. A building permit for a shopping center site shall be issued only upon presentation of working plans and specifications drawn in close conformity with an approved Site Development Plan.
- (3) The Planning Director shall designate shopping center sites on the official zone map by the symbol "SC."
- (4) The Planning Commission may modify the boundaries of or eliminate an existing Shopping Center designation for any site, upon application by the property owner, if the Planning Commission finds no public benefit in continued application of the shopping center regulations because most of the site has been allowed to develop without the guidance of a site development plan.

(B) ***Shopping Center Requirements.*** The following regulations apply to an application for a building permit for construction on a shopping center site, except applications covering on-site parking expansion:

- (1) An applicant shall submit a Site Development Plan and Landscaping Plan for the shopping center site.
- (2)
 - (a) Access to the shopping center site is limited to approaches designed according to accepted traffic engineering practice, so laid out as to be an integral part of the parking area and loading facilities.
 - (b) Pickup points shall be so designed that vehicles do not create congestion on an abutting public way. No loading and unloading is to be conducted on a public way.
- (3) Landscaping of shopping center sites must comply with the regulations of § 14-16-3-10 of this Zoning Code. The Planning Commission may require additional buffer landscaping if it finds it necessary due to demonstrably unusual circumstances.
- (4) Free-standing signs on shopping center sites shall be limited to one on-premise sign per 300 feet of street frontage on arterial and collector streets. Maximum signable area shall be 150



CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

DAN RICH request(s) a special exception to the Section 14.16.3.2 (B). (4): a VARIANCE of 2 proposed freestanding, on-premise, signs on a shopping center site, to the one on-premise sign, per 300' of street frontage requirement on all or a portion of Lot(s) Y2A1, Taylor Ranch, zoned C-2 (SC) and located at 6911 & 6971 TAYLOR RANCH RD NW (D-11)

Special Exception No: 07ZHE-80021
Project No: 1006662
Hearing Date: 08-21-07
Closing of Public Record: 08-21-07
Date of Decision: 09-03-07

STATEMENT OF FACTS: The applicants, Dan Rich, requests a variance of two proposed freestanding, on-premise, signs on a shopping center site, to the one on-premise sign per three hundred feet of street frontage requirement. Applicant testified that this property is forty-five feet deeper than comparable commercial property. The yellow signs were posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity and, therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved with conditions.

CONDITION(S):

1. No additional signage requests shall be made as to number or size of signs.